



# LAW

*The mission of the Law Department is to represent the City in all legal actions brought against the City or initiated by the City; provide legal advice to the City Council, the City Manager, the departments, and boards and agencies of the City; manage the City's diversion and deferred judgment programs; prepare and review ordinances, resolution, contracts, bonds and other legal documents of significance to the City.*

## DEPARTMENT GOALS AND OBJECTIVES

1. Provide representation for the City in all legal actions brought against the City or initiated by the City at the highest quality in a cost effective manner. (Strategic Priority IV)
  - a. Research and prepare legal opinions.
  - b. Minimize liability claim payments against the City.
  - c. Perform on a cost-effective basis as compared to costs of private firm service/hours with \$110-\$120 hourly rate.
  - d. Provide cost effective legal services of the highest quality with minimal time usage, and complete assignments as expeditiously as possible, with emphasis upon earliest completion of priority assignments.
2. Provide legal advice to the City Council, City Manager, departments, and boards & agencies of the City to ensure legal compliance. (Strategic Priority IV)
  - a. Provide or supervise the provision of all claims management and litigation services required by the City of Wichita.
  - b. Prosecute violations of all City ordinances in the Municipal Court, and handle any and all necessary appeals of Municipal Court decisions in the District Court.
3. Manage the City's diversion and deferred judgment programs to ensure legal compliance and maximum return. (Strategic Priority IV)
  - a. Process diversion and deferred judgment applications.
  - b. Maximize revenue generated from diversion and deferred judgment programs.
4. Prepare and review all legal documents of significance to the City to verify validity. (Strategic Priority I, II and IV)
  - a. Prepare or review all contracts and other forms of agreement required by the City Council and the various departments, boards and agencies of the City.
  - b. Prepare or review all Ordinances and Resolutions required by the City to accomplish the policies adopted by the City Council.

## PERFORMANCE MEASURES



City of Wichita - Internal Benchmark

Dept. Objective	Program Measure Description	Benchmark	2004 Actual	2005 Projected	2006 Target	2007 Target
1a	Legal opinions rendered	276	299	286	293	293
1b	Percentage of claims approved for payment	12.85	1.63%	1.64%	1.64%	1.64%
1c	Amount Private firm would have charged	\$2,548,000	\$2,940,254	\$2,910,000	\$2,925,000	\$2,925,000
1d	Hours/Assignments	6.44	6.67	3.11	4.89	4.89
2a	Cases set for trial	37,994	39,803	38,965	38,985	38,985
2b	Number of appeals	249	252	378	315	315
3a	Diversion/Deferred Judgment Applications	2,700	3,126	2,255	2,690	2,690
3b	Revenue collection from Diversion & Deferred Programs	\$785,786	\$921,971	\$927,744	\$924,857	\$924,857
4a	Number of contracts reviewed	1,501	1,954	1,657	1,805	1,805
4b	Number of ordinances reviewed	359	393	312	352	352



## RECENT ACCOMPLISHMENTS

- Renegotiated the contract for legal services on the Gilbert & Mosley environmental litigation, so that most fees would be payable only from actual recoveries in the litigation. Continued efforts to handle most civil and tax litigation internally, thus limiting the need for various outside legal counsel services.
- Assisted with the negotiation of contracts between the City and the bargaining units for Police, Fire, Transit and Airport employees, as well as the SEIU.
- Obtained dismissals or judgments of no liability in five (5) six-figure cases aggregating \$2,054,431 in liability claims, and in another seven (7) cases ranging from \$50,000 to \$75,000, and aggregating \$495,000 in liability claims. In four (4) additional cases ranging from \$75,000 to \$99,000, and aggregating \$324,000 in liability claims, the Department negotiated settlements aggregating \$28,262.45 (i.e., approximately 8.7% of the amounts for which the City had been sued in those four cases).
- Drafted the amendments to the Charter Ordinance on Second Hand Dealer licensing and the Ordinance and Second Amendment to Development Agreement needed to further WaterWalk LLC's effort to secure Gander Mountain as its anchor tenant.

## OVERVIEW

The Law Department has three main functions: provide legal counsel for City Council and City staff, provide legal representation for the City, and prosecute cases in Municipal Court. A staff of 16 attorneys and seven support staff accomplish the activities. The Department is financed solely from the General Fund with the exception of 100 percent of a Senior Attorney's salary, whose primary responsibility is to assist with bond issues related to economic development and pension matters, as well as a Community Service Worker who is provided by the Wichita Bar Association for the summer intern position.

## DIVISION DESCRIPTION

The Law Department has two primary areas of focus to carry out its mission, the Civil Law Office and the Prosecutor's Office.

**CIVIL LAW OFFICE** represents the City in civil, tax, investigative, administrative, legislative, compliance, business and transactional matters, including defense against liability claims and preparation of Ordinances, Resolutions, contracts and other documents to implement governmental and business decisions of the City Council. This office also handles the bulk of appeals from Municipal Court to the District Court; cases filed in the State District Court and U.S. District Court; cases before administrative agencies; and appeals of criminal, civil and administrative matters in both the federal and state court systems. In addition, the office provides a wide array of research and advisory services, participates in the

administration of the diversion programs, and oversees contracts with outside counsel and other service providers (including the Domestic Violence and Victim Rights advocates). The secretarial staff from the Civil Law Office regularly provides relief reception and other support to assist the secretarial staff in the Prosecutor's Office.

*Attorneys in the Civil Law Office saved the City over \$3,389,779 in 2004, through careful analysis and active legal defense of damage claims filed against the City, recommending payment of only about 1.63% (by dollar amount) of all claims submitted or pending during the year.*

Based on the current docket structure, prosecutors represent the City on 33 Municipal Court dockets and maintain office hours to assist citizens on a walk-in basis.

**PROSECUTOR'S OFFICE** prosecutes violations of City Ordinances in Municipal Court, assists in handling some appeals of Municipal Court cases in the District Court, and assists in the administration of the diversion programs and oversight of the Domestic Violence Advocacy and Victims Rights programs.

*Prosecutors reviewed case files and contacted witnesses as necessary to prepare for and handle all docket calls for the 39,803 cases processed to disposition in Municipal Court during 2004.*

Additionally, Law Department staff, including the Civil Law Office and the Prosecutor's Office, have assumed numerous responsibilities in connection with matters outside the Department's core "legal" functions for the City, such as:

- Handling telephone calls and walk-in inquiries from the public concerning legal issues and general matters affecting the City, with the goal of being responsive and citizen-friendly and providing accurate information, prompt follow-up and advice (where appropriate) to affected City departments in a manner which protects the City's interests and serves the public's needs;
- Serving on screening panels, task forces and committees to assist with employment, procurement and other business matters, diversity initiatives and other general goals and programs of the City organization as a whole;
- Participation in local and national programs, presentations, City Hall activities and civic activities to enhance the perception of the City and the Department of Law with the public and in the legal community;
- Taking action to meet affirmative action/equal employment opportunity goals and commitments in the Department of Law, including full and fair consideration of minority candidates in interviewing candidates for vacancies;
- Working with other staff and Industrial Revenue Bond (IRB) tenants/EDX applicants (and their representatives) as necessary to coordinate and support initial exemption



applications and annual tax filings in a timely and professional manner; and,

- Collecting and providing statistical and other operational information to the Budget Office and the City Manager.



*Staff review and discuss cases in Law department's library.*

## FINANCE AND OPERATIONS

Law operations are funded entirely by General Fund with the exception of a Senior Attorney's salary, which is funded by pension management and bond project budgets.

All claims filed against the City are processed by the Law Department. The review ascertains the relative merits of the claims, and staff attempts to settle claims when appropriate. Claim costs are funded from the Self Insurance Fund, a component of the Department of Finance.

*The Law Department as a whole provided its full range of services in 2004 at a cost \$2,212,234 to \$2,940,254 below what a private firm with competitive rates of \$110 to \$120 an hour would have charged the City for the same hours and services.*

A Diversion Coordinator, housed in the prosecution section, administers the City's diversion and deferred judgment programs. The programs are available for eligible first time offenders and offenses that include speeding, petit larceny, certain drug offenses, DUI and domestic violence. In every diversion case, program fees and fines are assessed to finance all program costs. In 2003 Law Department successfully implemented the fee increases for all five diversion programs, including the application fee for two out of five programs.

Selected Service Level Measures - Diversion				
	2003	2004	2005	2006
DUI diversions processed	1,863	634	652	643
Petit theft diversions processed	530	406	390	398
Speeding diversions processed	2,146	1468	652	1,060
Drug diversions processed	346	244	247	244
DV diversions processed	990	374	340	357

*Prosecutors provided the key impetus to having defendants participate in the City's diversion and deferred judgment programs, resulting in direct revenues of \$921,971 in 2004, and concurrently helping to limit burdens on the Court's trial dockets.*

The Law Department also has oversight of the Victim Rights Center. The Center provides notice, as required by Kansas Law, to crime victims of certain court proceedings, which include, but are not limited to, plea hearings, continuances, trials, sentencing, sentence modifications, probation violation hearings and appeals. The replacement of the antiquated Public Safety System was implemented in 2003. It is utilized in conjunction with Police and Municipal Court. The new computer system will eventually encompass utilization of bar code and drivers' license scanning, imaging and Internet technology. The Integrated Public Safety System (IPSS) will offer a centralized information system for Police, Prosecution, and Court. An imaging component of the public safety system will allow multiple users to simultaneously access single case files; significantly reduce storage and filing problems; and facilitate case review and preparation functions. Imaging will provide desktop viewing of case documents once the documents have been entered into the system, eliminating the task of filing and re-filing case files.

The new drug court software program has also been implemented. The software will consolidate defendants' information, providing the drug court team one centralized access point for defendant data.

The Law department is committed to providing the City, its public officials and employees with cost effective legal services of the highest quality. The Law department's 2004 actual cost of \$1,791,876 (unreduced by revenues generated from the diversion programs), and its total staff of 23 were both significantly below the 2004 budget of \$3,530,974 and total staff of 43 in the City Attorney's Office of Colorado Springs, Colorado (population of 366,000), an office with a substantially identical charge and mission statement.

Selected Service Level Measures				
	2003	2004	2005	2006
Hours/appeal handled	4.48	6.01	4.10	4.80
Hours/ordinance reviewed	1.22	1.66	2.04	1.64
Hours/contract reviewed	.74	.56	.66	.65
Hours/claims processed	1.32	1.30	1.23	1.28
Total attorneys hours	32,221	36,401	37,000	35,207



## FUTURE CHALLENGES

- Establish and implement Law Department client services that represent best practices and professionalism in providing legal services, and implement projects and programs utilizing technology where feasible.
- Provide legal services as needed to preserve and enhance Wichita Neighborhoods, using Urban Renewal laws to establish a Redevelopment Authority.
- Manage claims with a goal of being responsive to citizens while ensuring consistent and accurate legal review, identification of problem areas and guidance to correct deficiencies.
- Represent the City's interests in litigation and prosecution matters, file actions as directed by the City Council and effectively defend the City in litigation filed against the City.
- Provide legal services to codify, index, publish and maintain the Municipal Code of the City.
- Prepare and/or review contracts, leases, deeds, and other legal documents for projects of the City, with the goal of being responsive, creative, and accurate.
- Prepare, revise and/or review ordinances to address programs in need of change or development and carry out programs established by the City Council and the City Manager.



Law Department Budget Summary					
	2004 Actual	2005 Adopted	2005 Revised	2006 Adopted	2007 Approved
Personal Services	1,552,981	1,635,390	1,671,770	1,696,300	1,725,100
Contractual Services	234,414	233,150	230,350	233,410	233,410
Commodities	4,481	6,870	6,870	6,870	6,870
Capital Outlay	0	0	0	0	0
Other	0	0	0	0	0
<b>Total Local Expenditures</b>	<b>1,791,876</b>	<b>1,875,410</b>	<b>1,908,990</b>	<b>1,936,580</b>	<b>1,965,380</b>
<b>General Fund</b>	<b>1,791,876</b>	<b>1,875,410</b>	<b>1,908,990</b>	<b>1,936,580</b>	<b>1,965,380</b>
Total full-time positions	23	23	23	23	23
Total part-time positions	1	1	1	1	1
Total FTE positions	23.25	23.25	23.25	23.25	23.25
<i>Note: There are no position changes.</i>					

For additional information on the Law Department visit [www.wichita.gov](http://www.wichita.gov)